

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CR-199-D
No. 5:12-CV-778-D

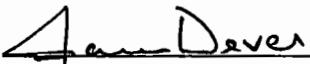
RONNIE D. RAINY,)
Petitioner,)
v.) **ORDER**
UNITED STATES OF AMERICA)
Respondent.)

On June 25, 2015, Ronnie D. Rainey ("Rainey") asked the court to grant him relief under Rule 60 of the Federal Rules of Civil Procedure concerning the court's dismissal of his section 2255 motion to vacate, set aside, or correct his conviction and sentence. See [D.E. 106]; cf. [D.E. 76]. On August 24, 2015, Rainey requested a copy of the docket [D.E. 111]. On February 16, 2016, Rainey again requested a copy of the docket [D.E. 147]. The court construes the letters about the docket as motions to obtain a copy of the docket without charge. On February 17, 2016, Rainey moved to withdraw his guilty plea of July 20, 2010. See [D.E. 148].

Counsel represents Rainey concerning his appeal of this court's restitution order of November 20, 2015. Rainey may consult with his counsel about obtaining a copy of the docket. The motions to obtain a copy of the docket without charge [D.E. 111, 147] are DENIED. Rainey's motion to withdraw his guilty plea [D.E. 148] lacks merit and is DENIED. See Fed. R. Crim. P. 11(e). Finally, Rainey's motion for relief under Rule 60 concerning this court's dismissal of his section 2255 motion [D.E. 106] constitutes a successive motion under section 2255 over which this court lacks jurisdiction. See 28 U.S.C. § 2244(b)(3)(A), § 2255(h); Magwood v. Patterson, 561 U.S.

320, 330–31 (2010); Burton v. Stewart, 549 U.S. 147, 152–53 (2007) (per curiam); United States v. MacDonald, 641 F.3d 596, 603–04 (4th Cir. 2011); United States v. Winestock, 340 F.3d 200, 205–07 (4th Cir. 2003). Thus, the court DISMISSES the Rule 60 motion [D.E. 106] and DENIES a certificate of appealability. See Winestock, 340 F.3d at 208. Alternatively, if the court has jurisdiction over Rainey’s Rule 60 motion, the motion [D.E. 106] lacks merit and is DENIED.

SO ORDERED. This 18 day of April 2016.



JAMES C. DEVER III
Chief United States District Judge